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FACSIMILE TRANSMISSION COVER SHEET

DATE: May 1, 2002

TO: Examiner A. Abdi
Group Art Unit 1616
U.S. Patent and Trademark OfficeRE: U.S. Patent Application No. 09/761,561
For: MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL
MICROORGANISMS
Our Ref.: 3731-002

FROM: Luke A. Kilyk, Esq.

FAC. TEL. NO.: 1 (703) 308-4407

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 3+2 = 5

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-(703) 308-4407 on May 1, 2002.

Ashley Smith

Name of Person signing Certificate

Ashley Smith

Signature

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Name of Person signing Certificate

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Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BATARSEH et al.

Application No.: 09/761,561

Group Art Unit: 1616

Filed: January 17, 2001

Examiner: A. Abdi

For: MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO

RECEIVE OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

May 1, 2002

Sir:

The applicants petition the United States Patent and Trademark Office to withdraw any holding of abandonment of the above-identified U.S. patent application based on the failure of the applicants and their representatives to receive an Office Action.

This petition is filed under the provisions of 37 C.F.R §1.181 as well as the guidance provided by MPEP §711.03(c).

In more detail, the applicants and their representatives have reviewed the file jacket of this application and a search of the file jacket indicates that no substantive Office Action for the above-identified application was received thus far. Furthermore, a review of the docket records, which are computer files, and a discussion with the docketing person of the Law Firm of Kilyk & Bowersox, P.L.L.C. further confirms that no Office Action has been received in the above-identified application. A copy of the docket record where the non received Office Action communication would have been entered had it been received and docketed is attached. This further shows that no Office Action was received in

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Petition To Withdraw Holding Of Abandonment
Based On Failure To Receive Office Action
Application No.: 09/761,561

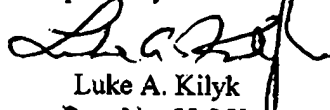
this case since if it was received it would have been properly entered due to customary and standard practices of Kilyk and Bowersox, P.L.L.C. on the docket record.

In addition, a Request for Status was filed March 22, 2002 which further shows that applicants were unaware of an Office Action being mailed, and did not receive any substantive Office Action. The fact that applicants became aware of a substantive Office Action being mailed was only through a result of the Examiner, assigned to this application, contacting the undersigned in response to the Request for Status which was filed March 22, 2002. In that conversation with Examiner Abdi, the undersigned was informed that the Office Action was mailed some time in January 2002. It is unclear, at this point, whether the above-identified application is abandoned or whether there is simply a pending Office Action. However, upon requesting a copy of the Office Action and a resetting of the due date to respond to the Office Action, the Examiner requested that applicants submit a petition in view of MPEP §711.03(c).

In view of the above, the applicants and the undersigned believe that sufficient evidence has been provided to show that no substantive Office Action in the above-identified application was received at Kilyk & Bowersox, P.L.L.C. Accordingly, the United States Patent and Trademark Office is respectfully requested to grant this petition and to withdraw any holding of abandonment, to provide a new copy of the Office Action, and to reset the due date for responding to the Office Action.

In the event any fees are required in connection with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 3731-002
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Office Action (Record Locked to allow your updates)

Case No.	Case Name	Case Status	Case Type	Case Date	Case Amount	Case Fee	Case Total
<input type="checkbox"/>	Case 1	Open	Case 1	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 2	Open	Case 2	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 3	Open	Case 3	1/1/2002	100.00	10.00	110.00
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<input type="checkbox"/>	Case 5	Open	Case 5	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 6	Open	Case 6	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 7	Open	Case 7	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 8	Open	Case 8	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 9	Open	Case 9	1/1/2002	100.00	10.00	110.00
<input type="checkbox"/>	Case 10	Open	Case 10	1/1/2002	100.00	10.00	110.00

Page 1 of 1

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Case Tracking System
Reminder List With Completed Items

Date: April 30, 2002

Date Due	Done	Who	What	Case No	Inventor	Case Title
3/17/2001	Received	LUKE	Filing Postcard	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
3/22/2001	3/22/2001	LAK	Office Action Mailed - USA	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
4/17/2001	3/17/2001	LUKE	Filing Receipt	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
4/22/2001	4/22/2001	LAK	Resp to NTFMP due in PTO	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
5/22/2001	5/22/2001	LAK	5/22/01 - USA Respond to Office Action - USA	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
6/28/2001	8/6/2001	LAK	Information Disclosure Statement	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
7/22/2001	Received	LUKE	Office Action Postcard - USA	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
10/6/2001	Received	LUKE	IDS Postcard	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS
1/16/2002	1/16/2002	LAK	FF due 1/17/02 - rec'd insts from 10/24/01 ltr - USA	3731-002		MICROBICIDAL FORMULATIONS AND METHODS TO CONTROL MICROORGANISMS

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